IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2988 OF 2005

Felix Daigo @ Dayko D'Costa ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

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Mr.V.S.Nankani with Mr.Kumar Tolani for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondents.

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CORAM: A.M.KHANWILKAR, J.

MAY 5, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Indeed, the offence for which the Applicant has been arrested, is a serious offence. The co-accused has been released on bail by the lower Court.

3. Learned A.P.P. submits that co-accused has been released because no recovery was made from

him. However, the role of all the accused of threatening the complainant, in that sense, is common.

4. As investigation is complete and charge-sheet has been filed, coupled with the fact that there are no antecedents against the Applicant and the Applicant is of tender age (22 years), Applicant is released on bail, but on the following conditions :

(a) The Applicant is directed to be released on bail in connection with C.R.No.31 of 2005 registered with Colaba Police Station on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two local sureties in the like amount.

(b) The Applicant be released initially on cash bail, to be replaced by appropriate surety within ten days from the date of release.

(c) The Applicant shall not influence the prosecution witnesses nor shall tamper with the

prosecution evidence in any manner whatsoever.

(d) The Applicant shall report to the concerned Police Station once in a week on Saturday between 10 a.m. to 2 p.m.

(e) The Applicant shall surrender his passport to the Investigating Officer within one week from the date of his release.

(f) The Applicant shall not travel outside Mumbai, without prior intimation to the Investigating Officer.

(g) The Applicant shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicant is, in any manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which can be a ground for cancellation of bail.

5. Application disposed of accordingly.

A.M.KHANWILKAR, J.